

**Town of Porter  
Board of Zoning Appeals  
Meeting Minutes  
January 20, 2010**

A. The meeting was called to order at 6:33 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Kremke, Mr. Bell, Ms. Nelson, Mr. Stinson (late) and Mr. Huyser

Absent: none

Also present were Mrs. Mitchell, Mr. Mandon, Mr. Keiser and Mr. Lyp

D. Consideration of Minutes of Previous Meeting

Motion to accept the December 16, 2009 minutes was made by Mr. Bell; second by Mr. Huyser. Motion passed via voice approval 4 – 0.

E. Audience Participation

None

F. New Business

*Election of Officers*

Motion to nominate Henry Huyser to the Office of President made by Mr. Bell; second Ms. Nelson. Motion passed 4 – 0.

Motion to nominate Lorain Bell as Vice President made by Ms. Nelson; second Mr. Kremke. Motion passed 4 – 0.

*Appointment of Secretary*

Motion to recommend to the Town Council that the BZA retain Kara Mitchell as secretary was made by Mr. Bell; second by Mr. Huyser. Motion passed 4 – 0.

*Adoption of BZA Rules*

Motion to adopt the BZA Rules was made by Mr. Bell; second by Mr. Kremke. Motion passed 4 – 0.

Mr. Kremke – yes

Mr. Bell – yes

Ms. Nelson – yes

Mr. Huyser – yes

**G. Old Business and Matters Tabled**

*Application for variance “to allow the construction of a 7’ x 25.6’ deck to be added to the west side of the house which will be less than 30’ from the setback lines” made by Charles P. Welter c/o William Ferngren, Esq. for the property located at 2915 Dudley Drive in Porter (BZA 15-09).*

Mr. Ferngren addressed the Board as representative of his client Mr. Charles Welter (who was not in attendance). He gave a brief synopsis of what his client is proposing to do. He also presented drawings to the Board members for their review. Mr. Ferngren feels that this proposal is consistent with what the Town is trying to do with the adoption of the new overlay.

Mr. Kremke feels that this proposal would help resolve the current safety issue (especially in the winter).

Motion to approve the variance was made by Mr. Kremke; second by Ms. Nelson. Motion passed 3 – 1.

Mr. Kremke – yes

Mr. Bell – no

Ms. Nelson – yes

Mr. Huyser – yes

**H. Preliminary Hearing**

None

**I. Public Hearing**

*Application for variance to allow for the construction of a security gate on the petitioner’s private driveway in the front yard which is not permitted by the Ordinance – Article I, Section 6 (g) (5) (a) made by Christopher and Amy Sue Palmer for the property located at 555 North Wagner Road in Porter.*

Mr. Greg Babcock addressed the Board as representative of his clients Christopher and Amy Sue Palmer (who were in attendance). He gave a brief synopsis of what his clients are trying to do.

Mrs. Palmer, 555 Wagner Road, addressed the Board. She mentioned that her home has been broken into two times in the seven years they have owned the home. She asked that the Board grant her request.

Mr. Louie Frigo addressed the Board. He gave the Board a drawing of the wrought iron fence that his company would like to construct.

Mr. Babcock mentioned that he contacted the Fire Chief concerning this proposal. The fire chief did not have a problem with the proposal.

**Town of Porter  
Board of Zoning Appeals Minutes  
January 20, 2010**

Public Hearing opened at 7:02.

Marcy Lion, 601 Wagner Road, in favor of the petition.

Public Hearing closed at 7:04.

Mr. Bell asked about a neighboring existing fence. Mr. Bell thinks that precedence could be set by this and that Wagner Road could turn into a “gated community.”

Mr. Lyp voiced his concerns of a “code” – and the difficulty of getting the code when it’s needed in a case of emergency.

Mr. Stinson does see the safety hazard of the break-ins, but questions the need for a fence.

Ms. Nelson is concerned that if the fence is permitted, fences in general could become a trend seen by others as a "stylish amenity" rather than a safety precaution.

Mr. Mandon gave his view of the application.

Mr. Elwood gave some insight on current gates in the community.

Mr. Lyp feels uncomfortable “writing rules” here at the meeting. He would like to see a set of standards put together for future petitioners.

Motion to table the petition until the February meeting for conditions to be worked out was made by Mr. Stinson; second by Mr. Kremke. Motion passed 5 – 0.

Mr. Kremke – yes

Mr. Bell – yes

Ms. Nelson – yes

Mr. Huyser – yes

Mr. Stinson – yes

J. Finding of Fact

None

K. Update from the Board of Zoning Appeals Attorney

None

L. Update from the Board of Zoning Appeals Secretary

None

**Town of Porter  
Board of Zoning Appeals Minutes  
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M. Adjournment

Motion to adjourn the meeting was made by Ms. Nelson; second by Mr. Kremke.  
The Board stood in adjournment at approximately 7:24 p.m.

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Henry Huyser  
Chairman

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Kara Mitchell  
Secretary